

Towards Achieving Total Decent Work: Occupational Safety and Health Issues, Problems and Concerns of Filipino Domestic Workers

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Abstract

Domestic work is precarious. Researches on domestic workers confirm that this labor sector is vulnerable to abuses, maltreatment and unfair labor practices, having to deal with various challenges in their day to day work. As such, they suffer from various occupational safety and health (OSH) issues, problems and concerns. Among these are exposure to high concentration cleaning chemicals; physical, sexual, and verbal abuse; inadequate accommodation; exposure to household risks; serious injuries from using knives, hot irons and electrical appliances; little or inadequate medical treatment; poor ergonomic conditions; long working hours; lack of rest and more. This situation is heightened considering the nature and their place of work. In the absence of intervention programs like those offered in the formal employment set up, Filipino domestic workers have developed various coping mechanisms in order to survive at work.

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Analyzing the issues, problems and concerns of domestic workers on OSH can be understood from both macro and micro perspectives. These pose as hurdles and challenges, if not conflicting forces, to making OSH a way of life in Filipino households. Its complexity necessitates using a holistic and integrated approach. Thus, significant interconnected elements such as culture, knowledge, attitudinal, relational, social, resource, economic, political, institutional and legal considerations should likewise be addressed so that total decent work for Filipino domestic workers is finally achieved.

Keywords: decent work, Filipino domestic workers, occupational safety and health

Introduction

Work is second nature to humans: it is fundamental to their existence. But work has various consequences and meanings to individuals: there is paid work with formal arrangement and there is also unpaid work with informal arrangement, a classic example of which is domestic work.

Historically, domestic work was not considered 'work.' It was not recognized as 'real' work even if it involved a great volume of things to do. This can be attributed in large part to the nature of domestic work performed within the confines of private homes, where employment relations are generally established through verbal agreement and outside of the usual formal arrangement, where workers are covered by labor regulations and social protections.

In 2010, the Philippines was home to at least 1.9 million domestic workers who were mostly 15 years old and above (International Labor Organization (ILO), 2014). They are called "kasambahay," the local term for a domestic worker. Republic Act 10361, or the Domestic Workers Act (DWA), defines these workers as:

"any person engaged in domestic work within an employment relationship, whether on a live-in or live-out arrangement, such as, but not limited to, general househelp, nursemaid or "yaya", cook, gardener, or laundry person, but shall exclude family drivers, children who are under foster family arrangement, or

any person who performs domestic work only, occasionally or sporadically and not on an occupational basis.”

The International Trade Union Confederation (ITUC, 2010) identified some socio-demographic factors that explain the rising demand for domestic workers. These are the increasing participation of women in the labor force, the ageing of societies, the escalation of work, and the problem of balancing family life and work. Left with no choice, women who engage in paid work are compelled to rely heavily on domestic workers to help them with household chores and other responsibilities. In 2013, there were more than 52 million domestic workers worldwide, 83 percent of whom were women (ILO, 2013a). According to the ILO, this figure has steadily increased in both developed and developing countries and does not include child domestic workers.

Given the conditions of work and employment relationships, one of the primary issues of domestic workers is their vulnerability to abuse and exploitation. Decent work, according to the ILO, is anchored on four strategic pillars, namely: full and productive employment, rights at work, social protection and the promotion of social dialogue. One crucial aspect of decent work is OSH. The joint ILO/World Health Organization (WHO) Committee on Occupational Safety and Health defines the purpose of occupational health as:

“the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities; and, to summarize; the adaptation of work to man and of each man to his job.”

As a move to fully ensure decent work for domestic workers and pursuant to RA 10361, on 9 May 2014, the Department of Labor and Employment (DOLE) issued Department Advisory No. 1, Series of 2014: Occupational Safety and Health Protection Tips for Kasambahays and Employers (OSH Tips). The Advisory is a clear manifestation and recognition of the occupational hazards domestic workers face.

Specifically, its purposes are to: a) ensure fundamental safety and health principles; b) implement measures to reduce the extent of exposure to hazards that may cause accident, injury, or illness; and c) address safety and health concerns associated with typical tasks performed and the working conditions of the domestic worker in the Philippines.

In addition, the Advisory explains the roles and responsibilities of employers and domestic workers such as: a) conduct of an on-the-job orientation on the general lay-out of the house for the domestic worker; b) location of the nearest hospital, police and fire stations, barangay hall and DOLE office; c) emergency procedures; d) proper use of fire protection equipment; e) provision of appropriate personal protective equipment (PPE) such as masks, gloves and aprons based on the nature of the jobs performed by the domestic worker; f) provision of humane sleeping quarters, adequate food, safe drinking water and first-aid medicine; g) access to hygiene facilities; h) availability of fire extinguishers and other fire protective equipment; and i) ensuring that the domestic worker does not work under conditions that will endanger his/her health and safety.

At the same time, domestic workers must have OSH tips for the following: housekeeping, lifting, working at heights, handling household chemicals, use of electrical appliances, kitchen safety, waste management, household security, scheduling of tasks, running errands, babysitting, caring for the elderly, handling pets, gardening, use of PPEs, safety measures during emergencies (fires, earthquakes, typhoons and floods) and what to do in case of theft and robbery.

However, while said Advisory can be considered a noteworthy piece of document to ensure the health and safety of domestic workers, there is a need to look into some significant aspects like information dissemination, promotion and practice. Likewise, it is important to know the health and safety problems domestic workers face, their experiences and stories and to understand the OSH problems from the points of view of not just domestic workers but of various stakeholders such as government and non-government organizations (NGOs).

These principles of decent work, as well as the employment conditions of domestic workers, will form the framework in putting to question their general state of OSH. Hence, it is imperative to look into the working conditions of these workers.

In view of the above, this research aims to serve as a baseline data on OSH issues/problems/concerns faced by Filipino domestic workers. Specifically, it addresses the following problems:

1. What is the level of awareness of Filipino domestic workers on OSH?
2. What are their issues/problems/concerns on OSH?
3. How do they deal with OSH-related issues/problems/concerns?
4. What are the issues/problems/concerns of government, employers and non-government organizations with regard to the implementation of OSH to Filipino domestic workers?
5. How can government, employers and non-government organizations help them with regard to OSH-related issues/problems/concerns?
6. What policy amendments/initiatives/programs should be in place to address OSH-related issues/problems/concerns of Filipino domestic workers?

Research Design and Methods

This research is both exploratory and descriptive in nature as it aims to examine the plight of domestic workers in terms of OSH. Multiple research methods were utilized to gain a deeper understanding of the topic at hand and at the same time strengthen the validity and reliability of data gathered. In short, triangulation was utilized by using multiple research methods and multiple sources which came from surveys, focused group discussions (FDG), key informant interviews, group interviews and email correspondence.

Scope and Limitations

The paper aimed to further understand and analyze the working conditions of domestic workers, their issues/problems/concerns related to OSH and their coping mechanisms at work. Moreover, it examined the issues/problems/concerns of various stakeholders as well as additional measures that can be implemented to ensure that domestic workers fully experience their basic right to OSH.

Due to time and budget constraints, the research focused on domestic workers based in Quezon City, Metro Manila. It does not include child domestic workers and overseas Filipino workers (OFW) who work as domestic workers.

Results of the Study

According to the Labor Force Survey (LFS), there were 1.9 million domestic workers in 2010 (BLES, 2011). For this study, 100 domestic workers were surveyed, and 14 participated in the two FDGs conducted.

a) Profile of the Survey Respondents

Sex: An overwhelming majority of respondents were female (95) and only three were male. Two respondents did not answer or may have inadvertently missed to indicate their answer on this item.

Age: Respondents between the ages of 21 to 25 comprised the most number at 22 percent. This was followed by those between 26 to 30 (19%) and those between 15 to 20 (17%). In the Philippines, it is unlawful to hire a domestic worker below 15 years old. This is explicitly stipulated under Rule VI, Section 1, Standards for the Employment of Working Children of The Domestic Workers Act (DWA) of the Philippines. For workers in the formal sector, the compulsory retirement age is 65 but for domestic workers, it is interesting to note that some respondents were in the 65 to 75 age range. This is very revealing or alarming considering the nature of domestic work. This means that for domestic workers, it is not only children who are placed in a vulnerable working condition but likewise, the elderly.

Marital Status: More than half, or 58 respondents, were single. This is distantly followed by 27 respondents who were married.

Number of Children: Most respondents (57%) had no children. This can be correlated to the fact that many were still single. Five respondents did not indicate their answer on this item.

Educational Attainment: Domestic workers are believed to be better educated than the average workers. The ILO (2008) estimated that a higher percentage of domestic workers finished high school than those employed nationwide. Forty-four percent and 54 percent of women and men, respectively, graduated from high school compared to only 30 percent of employed workers nationwide. In this study, 33 percent of the respondents were high school graduates, closely followed by

those who had a high school education but did not graduate at 30 percent. In both extremes though, only one percent finished tertiary education as well as those who did not attend school. The five percent respondents who took vocational courses means that they attended short-term training programs outside the formal educational system of the country. They may have enrolled in baking, cooking, massage therapy, care giving, electronics, welding and refrigeration among many others.

Years of Service as Domestic Worker: Almost half of the respondents served as a domestic worker between one to five years. Those who served for more than 30 years ranked second (16%) while those who worked between six to 10 years ranked third at 12 percent.

b) Level of awareness of Filipino Domestic Workers on OSH

There is a correspondence between awareness and behavior change. Awareness can directly and indirectly influence behavior. For this study, the level of awareness of Filipino domestic workers on OSH was determined. The survey reveals that majority of the respondents were aware of OSH particularly on babysitting, fire and OSH protection tips as Table 1 shows.

However, based on the interviews and FGDs, the general observation was that domestic workers have low levels of awareness on OSH. They were not aware of the OSH Tips, much more the DWA. It turned out that not even one participant in both FGD sessions had read the OSH Tips. Some said they had an idea on what to do during earthquakes, a few safety measures on the use of LPG (liquefied petroleum gas) stoves and taking care of babies and pets. Most said there was no orientation by their employers upon hiring but they were often reminded to keep the house safe by making sure that doors were always locked, by not talking to strangers and by not readily opening the door to visitors they do not know. Some participants were also provided with a telephone number to call in case of emergency as well as the contact numbers of the barangay and police. Others admitted that though they had little knowledge on OSH, this does not translate to practice.

Table 1. Level of Awareness on Occupational Safety and Health

| | Yes | No | Two answers (TA) | Not applicable (NA) |
|---|-----|----|------------------|---------------------|
| I am aware of the: | | | | |
| 1) OSH protection tips for domestic workers. | 85 | 15 | - | - |
| 2) fire safety tips. | 81 | 18 | 1 | - |
| 3) earthquake safety tips. | 78 | 22 | - | - |
| 4) different ways to alert the barangay, neighbors or police. | 74 | 24 | - | 2 |
| 5) safety considerations in babysitting. | 95 | 2 | 2 | 1 |
| 6) tips in handling of pets. | 65 | 33 | - | 2 |
| 7) I was given safety orientation during crisis/theft/robbery by my employer. | 73 | 25 | - | 2 |

The key informants attributed the low level of OSH awareness to the following:

- 1) the information drive was not institutionalized. The OSH Center has no capacity to launch a nationwide information campaign on OSH for domestic workers because they have no counterpart regional offices nationwide;
- 2) the implementation of the DWA on the provision on OSH is fragmented; the DOLE is trying its best to implement it but the strategy is not from the bottom;
- 3) the implementers got stuck with the issues of social protection, organizing and registration. Stakeholders like unions just focused on pushing the rights of domestic workers as there was an understanding that once domestic workers were well oriented on their rights, the OSH aspects of their work will likewise be protected;
- 4) the barangay is not active in the campaign to raise the OSH awareness of domestic workers;
- 5) advocacy for domestic workers' welfare seemed to weaken after the DWA was passed;
- 6) the materials developed were more on how to implement the law on domestic workers rather than on how to better understand and dissect their vulnerabilities;

- 7) the OSH Tips is in English and fully understanding its content becomes a problem considering the educational attainment of domestic workers;
- 8) the government's use of traditional information awareness campaign strategies such as flyers or learning sessions did not adapt to the current mindset and conditions in the workplace;
- 9) OSH Tips are just tips and not a part of the implementing rules and regulations of the DWA. It is not even an administrative order but just a set of guidelines with no penal sanctions for employers who do not comply;
- 10) this is a matter of prioritizing. There is only one staff for OSH in every DOLE regional office. This is not to say that domestic work is not hazardous. However, considering the government's limited resources, there is a need to prioritize workers in industries with higher numbers of fatalities, accidents and illnesses like construction and manufacturing;
- 11) the culture of health and safety at work is generally low in all sectors in the country. This emanates from the attitude of the workers themselves and the employers' policies in place. If big construction companies do not practice OSH, the same can be expected in private households where it is only the employer who can be relied upon to remind the domestic worker to practice OSH; and
- 12) employers are not encouraged to inform their domestic workers of the DWA and the working conditions they require. Inviting employers during consultations was difficult for fear of being reported to authorities and the perception that the law is pro-domestic workers. This is because their only source of information is the media and they had not read the whole law.

c) Issues/Problems/Concerns of Filipino Domestic Workers on OSH

D'Souza (2010) described domestic work as poorly regulated and often unprotected by labor laws. The vulnerability of domestic workers is heightened considering that their place of work is a private household where working conditions depend on their employers' goodwill. Another ILO (2013) study titled, "Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal

Protection,” pointed to the large gap in key working conditions such as working time, minimum wage coverage and maternity protection between domestic workers and other workers.

Table 2. OSH-related Issues/Problems/Concerns of Filipino Domestic Workers

| | | Always | Some-times | Never | NA | TA |
|----|---|--------|------------|-------|----|----|
| 1 | I have sufficient rest every day. | 57 | 3 | 40 | - | - |
| 2 | My working hours are reasonable. | 50 | 37 | 11 | 2 | - |
| 3 | I don't have a heavy workload. | 37 | 51 | 12 | - | - |
| 4 | My work is stressful. | 17 | 70 | 13 | - | - |
| 5 | I am comfortable with my bed. | 72 | 22 | 3 | 2 | 1 |
| 6 | I don't have sufficient sleep every night. | 10 | 66 | 23 | 1 | - |
| 7 | I have a day off every week. | 28 | 54 | 14 | 3 | 1 |
| 8 | I have suffered cuts, burns, slipping, stumbling or other accidents while doing my work. | 11 | 67 | 21 | - | 1 |
| 9 | I have been subjected to physical abuse. | 0 | 6 | 94 | - | - |
| 10 | I have been subjected to verbal abuse. | 2 | 25 | 73 | - | - |
| 11 | I have been subjected to physical violence. | 0 | 5 | 93 | 2 | - |
| 12 | I have been subjected to sexual harassment. | 0 | 1 | 96 | 3 | - |
| 13 | In case of illness, my employer provides me with free medical assistance. | 62 | 19 | 18 | 1 | - |
| 14 | My employer does not provide personal protective equipment (PPE) such as gloves, face masks, and apron. | 13 | 32 | 52 | 1 | 2 |
| 15 | I have difficulty lifting things/objects. | 3 | 65 | 32 | - | - |
| 16 | I am afraid of working at heights. | 5 | 51 | 43 | 1 | - |
| 17 | There are no adequate meals in a day. | 2 | 20 | 78 | - | - |
| 18 | I don't experience stress in my work. | 11 | 68 | 20 | 1 | - |

Sayres (2007) described the work conditions of domestic workers in the Philippines. Various domestic violations and abuses are committed such as absence of a written contract, false contract or violation of contract terms, long working hours, no day off or overtime pay, assignment of non-household duties, non-payment or late payment of wages, lack of social security or health benefits, verbal, physical and sexual abuse, engagement in hazardous work

of child domestic worker, lack of opportunity for education or self-improvement and lack of accommodations.

This research investigated domestic workers' health and safety in their working conditions using some items in OSH Tips as bases. These selected items are reflected in Table 2 which also shows the result of the survey. Here, respondents were asked to indicate their answer by checking the corresponding column under 'Always', 'Sometimes' or 'Never' per item. The column NA indicates that the respondent has no answer while the column TA means that the respondent gave two answers. Some items actually refer to the same OSH factor like items 4 and 18 except that they were stated differently. These were purposely done to further validate the reliability of the answers of the survey respondents.

For purposes of organizing the results, some items in Table 2 are discussed together with the findings in the FGDs and interviews conducted as well as those from secondary sources.

Rest: The FGD sessions revealed differing answers. Some said they had enough rest every day while others had insufficient rest. One participant said that since she is her employer's lone domestic worker, she does all the household chores. Her only time to rest is when she is in school waiting for her ward to finish classes. Another stated her rest is only at night when it is time to sleep.

Fifty-seven percent of survey respondents indicated they had enough rest in a day; three percent answered they sometimes had enough rest in a day but a good 40 percent indicated they never had enough rest.

Insufficient rest results to fatigue. However, while rest is one major OSH-related problem, some key informants said when employers were not around, no one will know whether domestic workers were still working or taking time off to watch TV so they can rest between chores during the day.

Hours of Work: Long hours of work surfaced in most interviews but was not emphasized much in the survey and during the FGDs. This may be attributed to the fact that the respondents were not the only domestic worker of their employers. It is not surprising then that one FGD participant said she works longer hours because she is her employer's only domestic worker. She does all the household chores, unlike others who perform only one specific chore like cooking or washing clothes.

Domestic workers work long hours because employers believe they are at their disposal. Thus, there is a tendency to give them orders endlessly which can cause them to get sick. While there is a provision in the DWA that entitles them to an aggregate daily rest period of eight hours per day, this is not observed. This situation happens because sometimes, domestic workers serve different masters in the morning and at night.

Workload: Long hours of work translate to heavy workload. Domestic workers perform one task after another as if their work is never done. In the process, they are overworked. This was reflected in the survey by 51 respondents who indicated they only experience light work load sometimes. What is unique with domestic workers is that they are on call 24 hours. Many household chores require hard work so if there is only one domestic worker, the workload is really very heavy.

Occupational Stress: The Health and Safety Executive defines occupational stress as “the adverse reaction people have to excessive pressure or other types of demands on them” (in Matthewman, 2009). All jobs have different levels and sources of stress and definitely, domestic workers have to face the pressures and demands of their work on a daily basis.

The first FGD participants were one in saying that they experienced stress and sometimes felt over stressed. This is not the case though with the second FGD participants who indicated they only experienced stress occasionally. This is the same as the survey result where 70 indicated they only suffered from stress sometimes. This result does not correlate with item 18 of the survey where 68 respondents indicated it is only sometimes that they don't experience stress at work. Their sources of stress include: overfatigue, employer attitude, when employer scolds them, spoiled children of employer, other domestic workers in the household and relatives of employer who reside in the same household. Domestic workers who financially support their families or those with children who are still studying have likewise expressed the stress they experienced whenever they need to send them money.

Accommodation: Having their own room is a domestic worker's major concern. Some employers cannot provide them a room since the number of rooms in their house is just enough for the family members.

This is a particular problem of middle class employers. Sometimes domestic workers sleep under a table or staircase, in the kitchen or in the living room. There are also cases where they sleep with their employee's child, but this arrangement is only appropriate if the child is still young. Once they grow up, this is no longer practical particularly if the child is male.

Sleep: It is common for domestic workers to stay up late at night. Sometimes, they need to open the house gates when the employer or any family member arrives late at night. Because of the interruption, they said they could hardly go back to sleep. The survey in fact revealed that majority of the respondents experienced insufficient sleep. The FGD participants said they slept less than eight hours a night as they need to prepare breakfast and bring children to school as early as five o'clock in the morning.

Hence, domestic workers have no decent number of hours of continuous sleep. Their number of hours of sleep is insufficient which can then lead to health problems. This continues because no one monitors their situation.

Day Off: Domestic workers are entitled to a day off every week. However, it still remains one of their major issues. Employers do not give them time off at work which is usually every Sunday. In fact, the survey attests that they do not have a regular day off every week. Other employers give them a day off once or twice a month but some follow the mandated once a week day off. It is interesting to note though that some domestic workers do not want to go on day off for reasons that they have no place to go to, it is costly, or when they are outside, they keep thinking of their employer as well as the household chores they need to do when they get back.

Accidents and Injuries: The Philippine Statistics Authority reported in 2013 that agriculture, forestry and fishing had the highest frequency rate of occupational injuries with workdays lost. Second is manufacturing; third is transportation and storage; fourth is water supply, sewerage, waste management and remediation activities; fifth is electricity, gas, steam and air conditioning supply and sixth is accommodation and food service. The frequency rate of total fatal cases increased slightly from 0.02 in 2011 to 0.03 in 2013. In 2011 and 2013, superficial injuries and open wounds were the most common

types of occupational injuries; wrist and hands were the most injured parts of the body, the main causes of which were being stepped on, striking against or being struck by objects, excluding falling objects.

Most domestic workers commonly suffer from cuts, burns, slipping and stumbling as shown in item 8 of Table 2. FGD participants mentioned that oftentimes they get burns from ironing or hot cooking oil, suffer cuts from the use of knives and other sharp objects, and slip in the laundry area or in comfort room while cleaning. Also, domestic workers are exposed to kitchen hazards such as fire and explosions as well as electrical hazards like grounding.

Abuses: The nature of domestic work, along with domestic workers' socio-economic status in the community, make them vulnerable to different forms of abuse such as physical, verbal and sexual. However, the survey revealed a very impressive result: an overwhelming majority or 94 respondents indicated they had not been subjected to physical abuse, 73 had not experienced verbal abuse and 96 had not suffered from sexual harassment. When it comes to physical abuse, this result is further validated by the item on physical violence where 93 indicated they have not suffered from it.

However, the FGD sessions painted a different picture of their plight in terms of verbal abuse. All of them expressed they had experienced being cursed. One participant related that sometimes her employers scold her when they can't easily find items they're looking for. They would ask her about the lost item in a condescending manner as if she stole it. Another participant recalled the practice of her previous employer of locking her inside the house once they leave until they arrive at night.

Ma. Cecille Flores-Oebanda, founder of Visayan Forum, an NGO dedicated to the protection of rights and welfare of domestic workers, revealed that these workers commonly endure sexual harassment, verbal and physical abuse such as being poured with hot water or beaten with objects. According to her, the number of cases is increasing. In fact, their organization just recently bailed from a Quezon City jail three domestic workers who are tribal members accused of stealing.

Table 3 shows various cases of physical abuse, maltreatment, unfair labor practice, sexual abuse and rape. The Visayan Forum had presented different shelters by year and age category. Domestic

workers aged 18 and below are under the Minor age category, while those above 18 years old are under the Adult age category.

Table 3. Number of Abused Domestic Workers

| Shelters | | | | | | | | | | | | |
|----------|-----------------------------------|------|------|-----------|------|------|---------------|------|------|-----------------|------|-------|
| | Center of Hope Antipolo, Rizal | | | Zamboanga | | | Matnog, Bicol | | | Lipata, Surigao | | |
| | Year | | | Year | | | Year | | | Year | | |
| Age | 2010 | 2011 | 2012 | 2012 | 2013 | 2014 | 2010 | 2011 | 2012 | 2010 | 2011 | 2012* |
| Minor | 14 | 38 | 10 | 69 | 3 | 19 | 101 | 29 | 246 | 57 | 29 | 34 |
| Adult | 5 | 11 | 2 | 468 | 132 | 279 | 151 | 55 | 30 | 189 | 57 | 21 |
| TOTAL | 19 | 49 | 12 | 537 | 135 | 298 | 252 | 84 | 276 | 246 | 86 | 55 |

*January- September only
Source: Visayan Forum

Maltreatment of domestic workers can be attributed to the feudal relationship between them and their employers, where they are rendered powerless and helpless. There are also occasions where despite abuses, a domestic worker does not file a complaint because her employer is a distant relative.

In terms of sexual abuse, a key informant reported that an acquaintance was raped by her employer and got pregnant and another almost got raped. But these women opted not to file a complaint for they believed they will not get justice anyway. Worse, they will instead be accused of flirting with the perpetrator and be insulted and vilified.

Recognizing the need to protect domestic workers from abuse, harassment and violence, the DOLE passed Joint Memorandum Circular No. 2015-002 detailing the protocol on the rescue and rehabilitation of abused domestic workers. It describes the roles and responsibilities of various government offices such as the Department of Social Welfare and Development, Department of the Interior and Local Government, DOLE, the National Bureau of Investigation and the Philippine National Police in the conduct of rescue operations.

Medical Assistance: Survey results indicated that most respondents were provided free medical assistance in the form of consultations, laboratory tests and medicines. Some FGD participants also experienced the same. Results from both the survey and FGDs show there were still employers who do not assist their domestic worker

in times of illness. An FGD participant narrated that she spends her own money every time she gets sick; one said that sometimes she is given assistance and sometimes there is none; another said that she does not wait for her employer and she consults a doctor on her own and still one said her employer brings her to a doctor once her illness is already severe.

Personal Protective Equipment (PPE): Domestic workers are not aware or conscious of OSH. Their primary consideration is that the work is done. This may be because employers are also not knowledgeable or mindful about OSH as they themselves do not use PPEs such as gloves or masks. An FGD participant narrated that she was allergic to the laundry soap used by her employer. She asked her employer to buy a milder laundry soap but her employer still continued to buy the same. Thus, she developed wounds and cuts on her hands which was made worse because her employer did not provide her with gloves.

The FGD sessions gave differing views on the use of PPE. Some participants opined that even if they will be provided with PPE such as gloves, they will still not use it because they are not comfortable with it. Others said they were just waiting for their employers to provide them with PPE for their use.

Lifting: Domestic workers have little or no knowledge about the proper way of lifting primarily because no one taught them. This was also raised in one FGD session where all said they just do the work without thinking of the proper way to lift, for example, a five-gallon container of drinking water, a heavy load of laundry, or a sack of rice that normally weighs 50 kilos. In addition, sometimes domestic workers are hired to baby sit or take care of elderly persons where lifting is part of the job. Thus, it is not surprising to note that in both the survey and FGD sessions, domestic workers indicated that sometimes they have difficulty lifting things or objects. This situation results to a common complaint of back pains.

Working at Heights: More than half of the respondents signified they were afraid of working at heights. One FGD participant said that she was once asked to clean high glass windows without protection. To avoid falling, she just tried her best to balance her weight.

Food Provision: The survey respondents indicated that they had sufficient meals in a day. However, there is another side to the story. When it comes to food, domestic workers suffer from various forms of maltreatment such as inadequate meals, expired or soon to expire food, food much different from what employers eat, food left over after the family has eaten and much worse, starvation. These realities were uncovered during the interviews and by an FGD participant who shared her story. She recalled having been employed by a well-to-do family living in an exclusive subdivision. Whenever her employers go out, they usually lock her inside the house without any food. She only drinks water to satisfy her hunger. One day, a domestic worker who was a neighbor threw food placed inside a disposable container for her with a note that said, "Here, eat this." In the household, her meals consisted of leftovers by the family and sometimes, there was nothing left to eat, not even a grain of rice she said.

Other OSH-related issues/problems/concerns: During the interviews, it was established that domestic workers were likewise vulnerable to:

- a) injuries or accidents from housekeeping or taking care of pets because of the absence of knowledge on OSH by both worker and employer;
- b) injuries or accidents from the use of advanced home appliances with no proper training;
- c) psychological problems due to separation from one's family; this situation becomes more difficult for domestic workers below 18 years old;
- d) limited mobility inside the employer's household;
- e) the need to adjust to the different personalities of all household members of the employer, where she has to satisfy all their demands;
- f) low self-esteem because of the general perception that domestic work is a low level job;
- g) ergonomic problems like height of kitchen sink or laundry space;
- h) double standards on values where domestic workers are expected to follow all instructions of employers and not complain;

- i) drudgery of the work, having to do boring, repetitive tasks;
and
- j) emotional stress.

Lastly, in terms of illness or health problems, most FGD participants revealed that they commonly experience leg pains, back pains and headaches. Some of them have vertigo, stomach pains and migraine.

Live-in versus live-out arrangement: With regard to working conditions, domestic workers who are on a live-out arrangement are better off for the following reasons:

- a) no privacy issue because a live-out domestic worker does not necessarily need quarters or room of her own unlike those on live-in arrangement;
- b) hours of work are monitored because the number of hours of work is fixed;
- c) tasks are more well-planned since the employer needs to maximize the time of their domestic worker while in their household;
- d) vulnerability to abuse is diminished. Normally, families of those who are on live-out arrangement reside in Metro Manila while those who are on live-in arrangement most likely come from the provinces with no friends or house in the area; thus, she is very much dependent on her employer;
- e) live-out domestic workers are in a sense more empowered as they know where the barangay office and/or police stations are located and they have access to it; and
- f) they earn higher than their live-in counterparts.

Effect of economic status of employers on the working conditions of domestic workers: There are differing views on the effect of the economic status of employers on the working conditions of domestic workers. Some key interview informants explained that being employed by a rich employer does not necessarily translate to better working conditions. There were cases where rich employers do not even provide enough food for their domestic workers while others subject them to maltreatment which may be due to lack of empathy for their workers. In the case of lower income households, they may be more approachable and treat domestic workers like they are part of the family.

It was pointed out that upper income households normally hire more competent, educated and skilled domestic workers. They have lighter workloads as employers hire many domestic workers who are solely responsible for a specific household chore like cooking, babysitting or laundry. In lower income households, they do all the chores.

Another difference is better working space, better facilities and absence of privacy issues as they have their own room. The only problem here is that their facilities may be more complicated to operate and they are not trained to use them. It was also revealed during an interview that sometimes rich employers bribe their favored domestic workers through increased pay or high-end gadgets when they want to leave.

Overall, the general effect of the economic status of employers on domestic workers is the difference in their monthly earnings. Those employed by well-to-do families get paid better but it does not necessarily mean better working conditions. Whatever the case may be, this is not a question of one's economic status but one's compliance to laws. This is where the beauty of having a law for domestic workers comes in, as their welfare and rights are protected regardless of the economic standing of employers.

Other work-related issues/problems/concerns: Despite having the DWA in place, the interviews revealed the following common issues/concerns/problems of domestic workers: a) non-payment of salaries; b) delayed payment of salaries; c) incorrect or lower salaries; and d) non-payment of monthly premium of Social Security System, Philippine Health Insurance, and PAG-IBIG or Home Development Mutual Fund.

d) Dealing with OSH-related Issues/Problems/Concerns

In the formal employment set-up, organizations usually have intervention programs designed to help employees cope with problems such as burnout, stress and workplace conflict. But in the case of domestic workers, there are no intervention programs to help them cope with the demands and pressures of work. They are therefore left on their own to devise ways and means to survive at work. Considering this situation, this study looked into how they face the challenges at work particularly on issues/problems/concerns

related to OSH. On this part of the survey instrument, respondents were asked to check all intervention strategies they utilized.

Table 4. Intervention Strategies of Domestic Workers to Deal with OSH-related Issues/Problems/Concerns

| Strategies | Count |
|---|-------|
| 1. I pray. | 85 |
| 2. I tell my family about my situation. | 70 |
| 3. I tell my friends about my situation. | 59 |
| 4. I tell my relatives about my situation. | 53 |
| 5. I try to talk to my employer. | 52 |
| 6. I try to have a positive outlook on my situation. | 51 |
| 7. I just accept my working condition as it is. | 49 |
| 8. I do not think much about it. | 47 |
| 9. I engage in Facebook or other social media. | 31 |
| 10. I give my employer a chance by staying longer, otherwise, I leave them. | 30 |
| 11. I complain to proper authorities (ex. Barangay, police) | 16 |
| 12. I do not tell anyone about my situation. | 13 |
| 13. I look for another employer. | 11 |
| 14. I get even by not doing my work as expected. | 7 |
| 15. Others | 3 |
| 16. I leave my employer without informing them. | 2 |

Table 4 shows the rank of the various coping strategies domestic workers practice to deal with OSH-related issues, problems or concerns. Praying as a means ranks first where an overwhelming 85 respondents indicated that they resort to it. It was also prominently mentioned during the FGDs by most participants. This can be attributed to a cherished value of Filipinos – that of being religious. It depicts their belief in God that no matter how bad their situation is, God will protect them.

Filipinos are likewise family-oriented. The family bond is so strong that it extends to relatives. It is no surprise then that telling family and relatives about their work situation came in second and fourth respectively. Together with family and relatives, friends also serve as social and emotional support. Fifty-nine respondents

indicated that they turn to their friends when they have problems. Like them, FGD participants shared that they tell their family, relatives and friends whatever problems they have as it makes them feel better. Aside from its entertainment value, the use of social media, particularly Facebook, makes it easier for them to connect with anyone.

During conversations, they are able to release pent-up emotions like anger at the injustice and prejudice. Hence, telling friends or family about their situation can be interpreted as a form of retaliation against employers since they cannot complain or express their true feelings and thoughts directly. Cock (1989) fittingly explains this situation as, “the maids’ silence and mockery of employers could be viewed as muted rituals of and as a crucial mode of adaptation, a line of resistance that enabled them to maintain their integrity.”

A little more than half of the respondents talked to their employer when problems arose. The value of being in harmony with everyone is important to Filipinos. According to Andres (1986), Filipinos first resort to the friendly way when their rights are trampled on. They make their feelings known, avoiding direct confrontation at the same time.

Others try to have a positive outlook on their situation. Some opt to sing, dance and listen to the radio. These behaviors and attitude are reflective of their optimism in life. As Andres (1986) explained, Filipinos are congenital optimists. This attitude is also related to their intervention strategies of acceptance of their working condition and not thinking about it, as practiced by 49 and 47 respondents respectively. These symbolize the Filipinos’ belief that whatever happens to them is fate. This fatalism, according to Agoncillo and Guerrero (1984), “has resulted in Filipino’s sense of resignation where no science or logic can convince them to depart from their idea of fatalism.”

Only 16 respondents approached authorities like the barangay or police when they have complaints. Sayres (2007) explained that domestic workers:

“are most likely to report problems ... to friends, relatives, neighbors, the church, and NGOs such as Visayan Forum and Bantay Bata 163 ... they view government agencies, including the local DOLE and police offices, as a last resort for complaints ... due to fears that they themselves will be in trouble that their employers have personal contacts in government who will protect the employers or that will make the problem worse.”

Domestic workers indeed resort to various coping strategies as a way to survive at work and lessen their burden. These are important aspects of their life considering the drudgery of their work and the problems and challenges they have to face.

e) Issues/Problems/Concerns on the Implementation of OSH

Section 15, Rule IV, Rights and Obligations of Kasambahay of the Domestic Workers Act or RA 10361 states:

“the employer shall safeguard the safety and health of the Kasambahay in accordance with the standards which the DOLE shall develop through the Bureau of Working Conditions (BWC) and the Occupational Safety and Health Center (OSHC) taking into account the peculiar nature of domestic work.”

However, promoting OSH for domestic workers is a major challenge and a very complicated task considering the following interrelated reasons and explanations:

- 1) The OSH for domestic workers are just tips and not standards.

Employers are effectively not legally compelled to follow the OSH guidelines for domestic workers because these are just tips and not standards: these are not compulsory but rather advisory. As such, there is no corresponding sanction on employers who do not follow it. The DOLE strategy is to promote employer compliance not through punishment but by showing what is in it for them. The approach was developmental instead of punitive because cultural practices that have been in existence for years are difficult to break. On one hand, the developmental approach was considered the better option to imposing standards, more so that existing laws protecting the privacy of households make monitoring and inspection difficult. On the other hand, making it an advisory instead of a standard can be interpreted that government is not yet ready to make OSH into a law.

Another point of view on this issue was raised during an interview. It was explained that OSH is a right: it should be a standard and not be optional on the part of employers. Making OSH a tip instead of a standard weakens, if not denies, domestic workers of their right to complain and file a case against their employers because no laws

are violated after all. It was emphasized that their rights as workers should be the primary concern while the authority to inspect should only be secondary. As it is now, since it is voluntary, OSH for domestic workers chiefly rests on employers.

2) Peculiarity of the workplace

The workplace of domestic workers is a private household which is not a normal workplace. It is extremely difficult to enforce the monitoring and inspection of households because of major obstacles such as government resources and legal considerations, among others.

3) Right to privacy

Article III of the 1987 Philippine Constitution guarantees Filipino citizens their inviolable Bill of Rights. Section 2 specifically states:

“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.”

This fundamental right to privacy of homes was a supreme consideration why OSH for domestic workers are just tips and not a standard. Labor compliance officers can only act based on a complaint with the corresponding order of the court for inspection.

4) Monitoring problem

Related to the right of privacy, monitoring households to ensure that OSH is strictly enforced is very difficult, if not impossible. Section 2, Articles 280 and 281 of the Revised Penal Code of the country further protects property owners. Persons who enter into the premises or property of another person without consent of the owner are criminally liable for trespassing. The Code defines the corresponding penalties for such violation. Given this legal provision,

labor compliance officers cannot monitor households in the same manner as business enterprises or establishments.

5) Issue of jurisdiction

Labor compliance officers cannot act on their own. For purposes of inspecting a specific household, there is a need to coordinate with the barangay concerned. Although domestic workers can go to the National Conciliation and Mediation Board to settle disputes, the barangay is in effect at the forefront of things being the first responder in case there are complaints as well as when there is a need to rescue and rehabilitate abused domestic workers.

6) Employers themselves do not practice OSH

The problem with OSH compliance is simply that employers themselves do not practice it. This may be attributed to the lack of awareness on OSH or utter disregard to it.

7) Power relations issue

Domestic workers are at a disadvantaged position. They are powerless and have little influence if at all on their work. For example, they cannot demand from their employers that they be provided with PPE if the employers decide not to give them. Domestic workers have to make do with what they have or what has been provided them. This power relations issue then makes domestic workers at the mercy of their employers.

8) Absence of/insufficient safety culture at home

When it comes to OSH, there is absence or insufficient sense of employer responsibility. This may be because even in the formal work arrangement, employers are not conscious of promoting a safety culture at work, much more in a household.

9) Double standard of OSH implementation in households

The right of domestic workers to OSH is taken for granted. It is short of implying that they do not deserve it in the first place. The non-

registration of domestic workers to Philhealth is in itself one indicator of this double standard as most likely their employers have Philhealth but they do not want to give them the same social protection.

10) Absence of Labor Law Compliance Officer (LLCO) specific for OSH

At present, the DOLE has no LLCO solely devoted to OSH. The OSH component is just one of the many duties and responsibilities of an LLCO. DOLE Department Order No. 131-13, Rule II Definition of Terms, letter q, stipulates the following tasks of an LLCO:

“..... to conduct Joint Assessment, Compliance Visit, Occupational Safety and Health Standards Investigation, compliance advocacies and advisory services, hold conciliation and mandatory conferences, and perform such other related functions which may be necessary in the enforcement of the Labor Code of the Philippines, as amended, and other related laws.”

The police powers of LLCOs are only limited to establishments and do not extended to private households even if they employ domestic workers. Moreover, employees of the Occupational Safety and Health Center are not authorized to enter premises to inspect.

Whether it is a tip or a standard, the difficulty in promoting OSH for domestic workers becomes more challenging because of other related problems such as registration and organizing.

11) Barangay registration problem

Registration of domestic workers in the Philippines is not new to the country. History tells us that this was in practice in the 18th century when the country was still colonized by Spain. Camagay (1995) narrated that:

“In 1848, the provisional Reglamento governing domestic servants suggested that all domestics be registered with the Cuerpo de Carabineros de Seguridad Publica. In 1855, it was proposed that the domestics be registered with the Subdelegado of Manila. Finally, in 1894, when the Reglamento del Servicio Domestico was finally drawn up, domestic servants were required to register with the Comandancia de la Guardia Civil Veterana.”

Registration is indeed very crucial in terms of monitoring domestic workers. On July 8, 2013, the Department of the Interior and Local Government issued Memorandum Circular No. 2013-61 which set the guidelines on the barangay registration of domestic workers pursuant to Republic Act No. 10361.

Table 5. National Consolidated Report on Domestic Workers
(As of 29 July 2015)

| Region | Province | Total No. of City/Municipality | No. of Barangays | No. of Barangays with Registered Domestic Workers | Total No. of Domestic Workers | Remarks (As of) |
|--------|----------|--------------------------------|------------------|---|-------------------------------|-----------------|
| I | 4 | 125 | 3,265 | 132 | 745 | 21 July |
| II | 5 | 93 | 2,311 | 292 | 1,817 | 23 July |
| III | 7 | 130 | 3,102 | 245 | 2,301 | 29 July |
| IV-A | 5 | 141 | 4,011 | 350 | 2,344 | - |
| IV-B | 5 | 73 | 1,459 | 79 | 1,857 | 23 June |
| V | 6 | 113 | 3,471 | 3 | 26 | - |
| VI | 6 | 132 | 4,051 | 0 | 0 | No report |
| VII | 4 | 129 | 3,003 | 56 | 520 | 23 June |
| VIII | 6 | 142 | 4,390 | 285 | 1,203 | 24 June |
| IX | 3 | 72 | 1,904 | 23 | 390 | - |
| X | 5 | 93 | 2,022 | 124 | 1,173 | 21 July |
| XI | 4 | 44 | 1,162 | 10 | 0 | - |
| XII | 4 | 50 | 1,195 | 79 | 764 | 27 July |
| XIII | 5 | 72 | 1,311 | 75 | 78 | - |
| CAR | 6 | 76 | 1,176 | 39 | 69 | 23 July |
| ARMM | 5 | 118 | 2,490 | 0 | 25 | 29 June |
| NCR | - | 17 | 1,706 | 41 | 1,239 | 23 June |
| TOTAL | 80 | 1,620 | 42,029 | 1,833 | 14,551 | - |

Source: Department of the Interior and Local Government (DILG)

Table 5 shows that as of July 29, 2015, out of 42,029 barangays nationwide, only 1,833 or 4.36 percent had registered domestic workers. This translates to 14,551 registered domestic workers in the barangays nationwide. With regard to the data for Region XI and ARMM, the DILG clarified that they are still waiting for the regional offices to explain the discrepancy.

Based on Sections 3 and 4 of Rule IX Registration System for Kasambahay of the DWA, the barangay captains should ensure the continuous registration of domestic workers and maintain and update the master list. The very poor outcome of domestic workers' registration in barangays nationwide can be attributed to the sheer number of barangays that need to be covered, the huge population of the country and its geographical characteristics. Nevertheless, it can also be a manifestation of the weak effort barangays put into domestic workers' registration.

The inability of barangays to continuously register, maintain and update their master list of domestic workers can be attributed to other underlying problems such as:

- insufficient/lack of available funds for the registration program; although the budget for registration can be charged under the gender and development (GAD) budget, it is still not enough to sustain the program since the same budget allocation is used for other GAD-related activities;
- barangay officials and staff are not aware of the DWA, much more their responsibility in terms of registration;
- insufficient to absence of capability building or training to equip barangay officials and staff on the provisions of the DWA and its registration mechanism;
- absorptive capacity of barangays: barangays are burdened with so much programs and policies they need to implement;
- changes in barangay personnel: the term of office of barangay officials is only up to three years so changes in barangay personnel are inevitable;
- no proper turnover of documents or tasks to new personnel in barangays; and
- the concept of having a one-stop shop registration where other concerned government agencies like SSS, Philhealth and PAGIBIG have registration booths is likewise difficult to hold due to budgetary constraints and coordination problems among others.

On the other hand, registration is also a problem because:

- barangays: 1) have no initiative; they should not expect domestic workers and employers to do it themselves; and 2) no penalty is

imposed for not implementing registration or maintaining the master list of domestic workers;

- employers: they do not see the need to register their domestic worker because: 1) they are not permanent employees and sometimes they just leave the household without permission; 2) the perception that registering them in the barangay would compel them to likewise register them with SSS, Philhealth and PAGIBIG which they do not want to because of the additional expense; and 3) there are no sanctions for non-registration of domestic workers.
- domestic workers: 1) are not aware of the legal requirement of barangay registration; 2) do not know the benefits of being registered so why bother; and 3) are afraid to register themselves for fear of being reprimanded by their employer.

12) Organizing problem

Ensuring OSH for domestic workers becomes doubly difficult because this sector is largely unorganized. Being so, they in effect have no voice and power to demand their rights as workers from their employers. They are largely unorganized because:

- as part of the informal sector, domestic workers are not a priority in terms of organizing;
- there is a lack of or no funds solely for the purpose of organizing them; although at present, the ILO has allocated funds for this purpose under the Domestic Workers Empowerment Program;
- it is difficult to gather them. During their free time, they would rather go out with friends or visit their family than attend an orientation on organizing. Some of them are not even allowed to go out;
- it is not sustainable. It is difficult to collect their monthly union contribution dues because collection is per household and sometimes they just leave their employers;
- communicating with them is difficult;
- they do not know their rights as workers; and
- traditional organizing strategies are not effective considering the unique circumstances of domestic workers.

f) Role of government, employers and non-government organizations in addressing OSH-related issues/problems/concerns

Protecting the health and safety of workers is a primary concern of government. It should take the lead role and make OSH a national priority. In the Philippines, the Occupational Safety and Health Center was established in November 1987 through Executive Order No. 307 in recognition of the need to protect the health and safety of workers. The Occupational Safety and Health Standard Rule 1000 of the General Provision explicitly states the need:

“to protect every workingman against the dangers of injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties, consistent with national development goals and with the State’s commitment for the total development of every worker as a complete human being.”

Nonetheless, the responsibility of OSH does not rest on government alone. The participation of social partners of government is very crucial in ensuring OSH of domestic workers. Government cannot do this by itself. Employers and non-government organizations are themselves duty-bearers in ensuring that the right of domestic workers to OSH are protected and more importantly, practiced. Together with government, the active participation of non-government organizations is vital in the advocacy to raise OSH awareness not only of employers but also of domestic workers.

Being at the forefront, employers have the primary responsibility in ensuring an environment of safety and health for their domestic workers. They are the key so that a safety culture at home becomes a way of life. This is a basic responsibility whether OSH is legally mandated or not.

OSH is non-negotiable. It cannot be achieved through a shortcut. And it is not an easy task. Government, employers and non-government organizations should therefore work together, hand in hand, to address domestic workers’ pressing OSH-related issues, problems and concerns.

g) Policy amendments/initiatives/programs to address OSH-related issues/problems/concerns

The following recommendations given during the interviews and FGDs are presented based on the issue, problem or concern being addressed.

On information drive

- Intensify information campaign to raise awareness of both employers and domestic workers on OSH. It should be impressed upon employers that OSH is not a cost but a way of actually protecting them too and not only their domestic workers.
- Bring OSH at the forefront of households by conducting trainings in LGUs so that this can be cascaded to the barangay level.
- Mainstream awareness campaign by utilizing popular TV programs and social media (i.e., Facebook and Twitter) as channels to disseminate information on OSH.
- OSH Tips should be in a language which domestic workers can understand. It can be translated to Filipino or in other major regional languages.
- Require public employment agencies that recruit and hire domestic workers to include OSH in their orientation.

On registration

- Barangays are mandated to have a Registry of Barangay Inhabitants (RBI). In their census instrument, they can include an item on domestic workers to at least determine their number in the area. Likewise, having available data on households with domestic workers can help barangays focus their information campaign on registration.

On organizing

- Labor unions should think of ways and strategies to organize domestic workers considering the peculiarity of their work (i.e., home-based, informal workers).
- Organizing domestic workers should be issue-based to directly address their problems.

- The LGUs should exert extra effort to organize domestic workers in their area by establishing an association for them.

On national government

- There should be a comprehensive, unified plan exclusively directed at domestic workers which includes all concerned government agencies and instrumentalities.
- Amend Presidential Decree 442 or the Labor Code of the Philippines so that households with hired domestic workers are recognized as a workplace and as such, must comply with corresponding labor laws.
- Establishing regional offices devoted to OSH should be given due consideration. At present, there is only one OSH Center in the country. It is based in Quezon City, Metro Manila.
- Increase the budget of government agencies or instrumentalities (i.e., DOLE, barangays) so that programs and activities for domestic workers can be sustained.
- Train labor laws compliance officers to assess households in case complaints arise.
- Strengthen partnerships with churches, civil society groups and non-government organizations. They can be tapped at the community level to help government ensure decent work for domestic workers.

On local government units (LGUs)

- Make OSH part of their Health Development Plan.
- Prioritize barangay registration because this is a major weakness in the enforcement of the DWA.
- Develop a counterpart law for domestic workers to strengthen the DWA which they can consider their own law.
- Train or retrain barangay officials and staff on the provisions of the DWA.
- Develop 'Kasambahay Champions' knowledgeable on the DWA. As advocates of domestic workers, they should plan activities and programs to protect the welfare and uphold the rights of this sector.

- Organize regular social dialogues with all stakeholders to provide inputs and at the same time discuss and give appropriate solutions to the issues, problems and concerns of all parties.

Overall, there is a need to strengthen the advocacy for domestic workers. It should be a continuous effort by all concerned because ensuring decent work cannot be achieved with just a law. There should be an assessment to really determine what gains have so far been achieved in uplifting their working conditions and what else should be done to achieve it. This way, gaps are identified, lessons are learned and issues, problems, and concerns of domestic workers are properly addressed.

Conclusion

When domestic workers are hired, they have a set of expectations of their employers. One major expectation is having decent work. The study leads to a very disturbing conclusion - that achieving total decent work for Filipino domestic workers in the aspect of OSH seems to be a far-fetched reality. At present, there is a major decent work deficit.

The little or lack of awareness on OSH is a major barrier for both employers and domestic workers from following the OSH Tips. Add to this the negligence on the part of employers to practice safety culture in their household. It is understandable to make OSH for domestic workers a tip instead of a standard on the premise that the approach is developmental. However, the poor OSH practice in households can be likewise be attributed to this approach. Aside from the fact that employers are not compelled to follow the OSH Tips, it also gives them a signal that OSH is not necessary after all.

Hence, from this point of view, the right of domestic workers to a safe and healthy workplace is consequently undermined; if not, they are deprived of it in the process. This is in stark contrast to what is stated in Book Four of the Labor Code of the Philippines which is devoted to Health, Safety and Social Welfare. Specifically, Chapter II, Occupational Health and Safety Art. 162. Safety and health standards states that:

“The Secretary of Labor and Employment shall, by appropriate orders, set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all workplaces and institute new, and update existing programs to ensure safe and healthful working conditions in all places of employment.”

Domestic workers are highly vulnerable to unfair labor practices, exploitation, maltreatment and abuses. Their work is precarious considering its nature, the work arrangement, power relations and monitoring issues among many others. This situation inevitably leads to poor working conditions like occupational stress, insufficient rest, long hours of work and lack of PPE which cause many health and safety related issues, problems and concerns. In the absence of intervention programs like those offered in the formal employment set-up, domestic workers have only themselves to rely on to in order to survive at work. Hence, their resilience and values serve as potent defenses to help them cope with the daily demands and pressure of their work.

Promoting the practice of OSH in private households is a gargantuan task. This is not a problem requiring simple solutions. With this recognition comes the full understanding that its success involves the action and cooperation of all duty bearers. Though an OSH standard can serve as an impetus for employers to practice OSH at home, it is the concerted effort of all duty bearers that is vital in attaining decent work for domestic workers.

Government, employers and non-government organizations should all work hand-in-hand to ensure that the rights of domestic workers on OSH are upheld. Considering the complexity of the problem and the range of duties, obligations and responsibilities of those involved in OSH, all duty bearers should make it a priority. Government should take a lead as it cannot ignore the pressing issues, problems and concerns domestic workers have long been suffering.

Nonetheless, while OSH is a responsibility of everyone, it is the employers who are at the heart of this matter. They are the key in closing the decent work gap of domestic workers, being at the forefront in ensuring OSH of their workers. So with or without an OSH standard for domestic workers, employers have the moral and social responsibilities to provide decent working conditions for them. They deserve to experience quality life like everyone.

Implications

The implementation and monitoring of OSH are themselves complicated matters. These become more problematic when these are applied to domestic workers because of the nature of their work. This study has identified some implications on the matter which can be considered as interconnected hurdles and challenges or conflicting forces in the practice of OSH. These are:

- 1) cultural: cultures are resistant to change; it is deep-seated so it takes a long time before long held practices are changed;
- 2) knowledge: both domestic workers and employers either have little or no knowledge on OSH; hence, they cannot be expected to practice OSH;
- 3) attitudinal: the general attitude towards OSH is apathy as there is no motivation to change;
- 4) relational: domestic workers are at the mercy of their employers; in terms of how work should be done, they have no autonomy. While there is an inherent imbalance in the relationship between employer and employee, this is much more pronounced between employer and domestic worker where the power and influence of employers over their domestic workers is enormous;
- 5) social: the social stigma attached to domestic work has grave implications on the low value assigned to it which extends to how domestic workers are treated;
- 6) resource: this pertains to resources of both the employers and the Philippine government. OSH should not be perceived as a cost; employers need to allocate budget to provide domestic workers PPEs, for example. Thus, for employers who are also struggling to make ends meet, OSH is not a priority. In addition, the Philippine government is also confronted with resource problems. As a developing country, there are other pressing matters which need greater attention by government like the provision of basic social services to more than a hundred million people;
- 7) economic: the government does not have enough finances to launch and sustain programs on OSH in the Philippines in general, much more for domestic workers;

- 8) political: politicians are key decision-makers; sometimes they opt for less complicated and more pleasing decisions for the general public as it may affect their political survival. The poor outcome of barangay registration of domestic workers can be viewed from this perspective considering that it has been years since the DWA was passed; simply put, OSH for domestic workers is complicated and is not attractive to voters;
- 9) institutional: government agencies and instrumentalities expected to protect the welfare of domestic workers are themselves faced with many challenges such as inadequate staff and operational problems; likewise, the developmental approach of government in promoting OSH to domestic workers puts to question the readiness of government on this matter; and
- 10) legal: OSH for domestic workers has no legal basis because it is just a tip or an advisory. Also, there are other legal obstacles such as the guaranteed right to privacy and the issue of jurisdiction.

The issues, problems and concerns raised on OSH of domestic workers have likewise implications on child domestic workers and gender inequality in the workplace. Considering the nature of domestic work, child domestic workers are more vulnerable to exploitation and abuses specially that they are beyond the reach of law and law enforcers. With regard to gender inequality, most domestic workers are women. Again, considering their work conditions, domestic work in effect perpetuates and reinforces gender inequality in the world of work. It is a never ending cycle specifically for marginalized women who come from indigenous tribes.

Recommendations

Employees are the most important resource in any workplace. In the case of domestic workers, they should be provided with the same protection and rights as other workers. The magnitude of their issues, problems and concerns require actions to be in place in order to effect positive change. In this connection, as an addition to what has been mentioned in Chapter IV of this paper, it is recommended to consider:

- 1) addressing the issues/problems/concerns of Filipino domestic workers using a holistic and integrated approach. The gravity and complexity of promoting OSH for domestic workers necessitates equally sophisticated solutions to address political, institutional, cultural, attitudinal and legal obstacles among many others;
- 2) specifying rules and roles on OSH by making it a standard for domestic workers. On one hand, it may be construed as symbolic considering the difficulty in its implementation and monitoring aspects but on the other hand, it strengthens its significance. At the same time, it is a manifestation that government does not dilly-dally when it comes to OSH. It is the rights of domestic workers that is at stake here, so government should not waver in giving them the same protection and rights afforded to other workers. While there is no guarantee that it will be followed, it will demonstrate the government's steadfast commitment as the primary protector of workers' rights. With regard to the issue of the right for privacy for example, mechanisms should be in place so that this is also not violated;
- 3) educating people. Safety culture is very low in the country much more in private households. The benefits of practicing OSH at home should be given emphasis. The use of mass media and new channels of communication like Facebook can be tapped for information dissemination. In addition, curricula in the basic education should include topics on safety culture so that early on, Filipinos will have awareness on OSH;
- 4) linking OSH to Filipino values to encourage employers to practice it. Perhaps harnessing Filipino values like 'malasakit' (care), and 'pakikipagkapwa' (relationships) to promote OSH at home will rouse the compassion of employers;
- 5) incentivizing employers who are OSH-compliant in the form of tax refunds, for example, like what other countries practice. This way, the OSH Standard will not be punitive in nature. Focusing on the incentives will create a positive reception from employers, which may motivate them to practice OSH. Other incentives can be offered provided these are attractive and something of value to employers. Otherwise, its purpose will be defeated;

- 6) launching an aggressive campaign on registration as an initial step towards ensuring their welfare;
- 7) in terms of raising awareness on OSH, enlisting the participation of social institutions like churches, mass media and other partners such as non-government organizations;
- 8) building capacity of all duty bearers through regular training on OSH through the barangays;
- 9) empowering domestic workers through participatory action-oriented training; this can be a venue for workers to actively participate in developing creative and practical ideas to improve their working conditions. Employers should also take part in this undertaking so that they will have a sense of ownership on whatever decisions are arrived at, ensuring commitment to OSH and its practice. Programs sometimes fail because the people who are at the forefront are not involved in arriving at decisions and solutions. OSH is a shared responsibility so the commitment of the employer and domestic workers are both imperative; and
- 10) conducting research on domestic workers as we continue to search for ways to improve their working conditions. Researches provide policy makers with information needed for decision-making. Thus, researches are essential and should be given proper attention. Future researchers can further study elderly domestic workers or those who are beyond the retirement age of sixty-five, child domestic workers, male domestic workers, live-in vs. live-out domestic workers, the impact of economic status of employer on the working conditions of domestic workers and the psycho-social condition of domestic workers in terms of emotional labor and mental health.

The effect of OSH on the overall quality of life of domestic workers cannot be overemphasized. Achieving total decent work for them is not an impossible dream. Its success lies in the concerted and sustained effort of all duty bearers from government, employers, non-government organizations, the community and the domestic workers themselves. The enthusiasm and the eagerness which resulted to the eventual passage of the Domestic Workers Act must be sustained to be able to achieve decent work to all Filipino domestic workers.

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